APPENDIX A

(From Appendix I of Plaintiffs' Memorandum in Opposition to the Motion for Continuance of the State Defendants, submitted May 18, 1994)

Page 16 ROLL CALL Thursday, October 24, 1991

GERRYMANDER CONTEST WINNERS

After a last-minute flurry of entries in our gerrymander contest for the weirdest-shaped 1992 districts, we've settled on three winners and two honorable mentions. First prize goes to A.J. Pate, a manufacturing company executive in Houston, Texas, who submitted the proposed 30th district of Texas. The second prize winner, who submitted a version of New Mexico's 3rd district, is Bruce Donisthorpe, an aide to Rep. Joe Skeen. And third prize went to Terry Schaff, a staffer on the Merchant Marine and Fisheries Committee, for his map of North Carolina's new 2nd district. All three receive a Rand McNally Illustrated World Atlas ($79.95 value).

Honorable mentions went to Martynas Ycus, a staffer to Rep. Jim McDermott, for his "yin-yang" entry of Texas's new 18th and 29th districts and John Hambel of the Energy and Commerce Committee for New York's proposed 17th district.

[Photos Omitted in Printing]

APPENDIX B

TEXAS CONGRESSIONAL REDISTRICTING HOUSE BILL 1 72ND LEGISLATURE, 2ND CALLED SESSION

NARRATIVE OF VOTING RIGHTS ACT CONSIDERATIONS IN AFFECTED DISTRICTS

September, 1991
Texas Congressional Redistricting Staff

INTRODUCTION

The purpose of this narrative is to describe the Congressional redistricting process and to give an overview of the efforts made to address Voting Rights Act concerns. The redistricting process began in 1990 when outreach hearings were conducted throughout the state. These outreach hearings, which were conducted by the interim Senate Select Committee on Legislative Redistricting and by the House Redistricting Committee, were primarily held in those areas where minorities would be mostly affected and allowed members of the community to express their desires and concerns about the prospective House, Senate and Congressional districts. Additional hearings were held during the Regular Session of the 72nd Legislature.

One of the primary concerns of the minority communities was the purported undercount and the affect that it would have on the legislative and congressional redistricting process. The legislature did make certain adjustments to mitigate the impact of the undercount in drawing legislative districts; however, the one-person, one-vote requirement for congressional districts only allows a slight deviation, if any, from equal populations among the several districts. The proposed Congressional plan successfully achieves absolute equal population among the districts, i.e. zero percent (0%) deviation. Since the Department of Commerce decided not to make an *official* adjustment, no population adjustments were made for the undercount.

The actual "drawing of the lines" of the new Congressional districts was a very long and tedious process which began during the Regular Session of the 72nd Legislature. In the Texas Senate, this process was led by Senator Eddie Bernice Johnson, Chair of the Senate Subcommittee on Congressional Districts and Senator Chet Brooks, Chair of the Senate Committee of the Whole. Representative Tom Uher led the redistricting efforts of the Texas House of Representatives. In designing the minority districts, it was necessary to consider several factors that impact the *actual* voting strength of the minority population. These factors include the total minority population, the voting age minority population, voter registration, voter turnout, and whether the minority group members include non-U.S. citizens or those otherwise not eligible to vote. The ethnic population in each proposed minority district has been carefully analyzed to ensure that members of the protected minority group has a reasonable opportunity to elect a Congressional representative of their choice.

REGIONAL ANALYSIS OF PROPOSED CONGRESSIONAL DISTRICTS

As a result of the 1990 census count, Texas was apportioned three (3) additional Congressional seats. Because of the historical and anticipated population growth patterns, it was agreed that the new districts should be configured in such a way as to allow members of racial, ethnic, and language minorities to elect Congressional representatives. Accordingly, the three new districts include a predominantly black district drawn in the Dallas County area and predominantly Hispanic districts in the Harris County area and in the South Texas region. In addition to creating the three new minority districts, the proposed Congressional redistricting plan increases the black voting strength of the current District 18 (Harris County) by increasing the population to assure that the black community may continue to elect a candidate of its choice. District 18 is currently represented by a black Congressman,

Craig Washington; however, the population has shifted over the last ten years resulting in the current district having only 35.1% total black population and 42.2% total Hispanic population. The newly proposed District 18 contains 50.9% total black population and 15.3% total Hispanic. The Hispanic population that is currently in District 18 has been shifted to the newly proposed Hispanic District 29 which is also in Harris County.

DALLAS AND TARRANT COUNTY MINORITY DISTRICTS

One of the main areas of controversy during the redistricting process was Dallas County. In order to create the new black district in this area, the district lines had to be drastically modified from the current configuration. Under the 1980 Congressional redistricting plan, the population of Dallas County was included in two (2) districts: (1) District 5 included 22.1% total black population and 20.6% total Hispanic population. Under the 1990 census, this district's population was above the ideal population of 566,217 by 41,965 people. (2) District 24 currently includes 29.4% total black population and 21.3% total Hispanic population. Under the 1990 census, this district is overpopulated by 68,920 people. The proposed Congressional plan distributes the population of Dallas County among three (3) districts, including the newly proposed black District 30. The proposed District 30 consists of 50.0% total black population and 17.1% total Hispanic population.

		Current		Proposed	
		Black	Hispanic	Black	Hispanic
District	5	22.1%	20.6%	16.3%	17.9%
	24	29.4%	21.3%	19.1%	21.8%
	30	—	—	50.0%	17.1%

Throughout the course of the Congressional redistricting process, the lines of the proposed District 30 were constantly reconfigured in an attempt to maximize the voting strength for this black community in Dallas County. The

black community leaders were in constant contact with Senator Eddie Bernice Johnson, the Chair of the Senate Subcommittee on Congressional Districts, as well as black Dallas Representatives Fred Blair, Jerald Larry and Sam Hudson. While the legislature was in agreement that a safe black district should be drawn in the Dallas County area, the real dispute involved the composition, configuration and *quality* of that district. The community insisted that a "safe" black district be drawn that had a total black population of at least 50%. The community's demands were supported by the NAACP Voter Education Redistricting Project and the Texas State Coalition of NAACP Branches. Both of these groups submitted resolutions and position papers to each member of the Texas State Legislature.

There were many alternative proposals presented. Although some of these proposals showed a more compact configuration, none of them reached the threshold 50% total black population which the community felt was necessary to assure its ability to elect its own Congressional representative without having to form coalitions with other minority groups. There is little evidence of coalition voting between blacks and Hispanics in Dallas County. In fact, it has been judicially noted that blacks and Hispanics generally do not form political coalitions in voting for public officials in Dallas County. The United States District Court in evaluating the Congressional redistricting plan drawn by the 67th Texas Legislature (1981) discussed the forming of a minority coalition in Dallas County:

> ". . . the defendants group together the black population and Hispanic population into one "minority" category, thereby demonstrating a fundamental insensitivity to the practical reality of minority politics. . . . Coalitions between blacks and Hispanics are certainly part of the political landscape of Texas. . . . Ethnic politics in Dallas, however, has been noteworthy for its lack of a legacy of black-brown coali-

> tions. The testimony at trial indicated that blacks and Hispanics frequently staked out positions quite separate from blacks." *Seamon v. Upham*, 536 F. Supp. 931, 1001 (1982).

The proposed District 30 represents the combined input of black elected officials, black leadership in the Dallas community and other local, state and national minority interest organizations. The goal was to not only create a district that would maximize the opportunity for the black community to elect a Congressional candidate of its choice in 1992, but also one that included some of the major black growth areas which will assure continued electoral and economic opportunities over the next decade. After much analysis, deliberation and negotiation, the legislature was able to successfully meet these goals.

The creation of a safe minority district in Dallas County directly affects districts in Tarrant County and surrounding areas. Under the current Congressional configuration, the Tarrant County population is split between Districts 6, 12, and 26. (Tarrant County is not included in the *current* District 24.) The ethnic composition of the current and proposed districts affecting Tarrant County is as follows:

	Current		Proposed	
	Black	Hispanic	Black	Hispanic
District 6	9.3%	9.1%	4.4%	5.4%
12	16.3%	16.1%	8.0%	16.3%
24	-0-	-0-	19.1%	21.8%
26	6.5%	8.8%	4.2%	9.2%

The following percentages represent the black and Hispanic portions of the Tarrant County population in each district:

	Current		Proposed	
	Black	Hispanic	Black	Hispanic
District 6	4.4%	4.0%	4.9%	5.3%
12	16.3%	16.1%	9.5%	18.8%
24	-0-	-0-	31.2%	12.3%
26	7.8%	7.9%	1.1%	5.1%

Although the overall percentages for minorities declined slightly, this decrease does not constitute retrogression due to the fact that there is a completely new district created in the Dallas-Tarrant County metroplex area in which minorities will have *substantial* electoral impact. The new minority district is the proposed District 30 as described above. The proposed District 30 includes 1,207 blacks and 564 Hispanics from Tarrant County.

The proposed Congressional redistricting plan divides the minority community in the southeast portion of Fort Worth between Districts 12 and 24. District 24 includes 73,446 blacks and 29,009 Hispanics from Tarrant County. Members of the black community expressed concern that the proposed cut dilutes the voting strength of this minority community. The specific cut was adopted from a floor amendment which was offered by Representative Garfield Thompson of Fort Worth. Representative Thompson is the only black House member from Tarrant County and currently represents the majority of this black community. The amendment places his *current* House District into proposed District 24. This amendment was adopted by the Legislature and incorporated into the final proposed Congressional plan.

An analysis of this geographic area demonstrates that even if *all* of the 42,732 Tarrant County blacks that are in the proposed District 12 were combied with the 108,340 total blacks in proposed District 24, the total black population in District 24 would only represent 26.7% of District 24's total population. Clearly, this would not be sufficient population to assure that a black or other minority could be elected from this district. Increasing the total minority percentage from the 19.1% to 26.7% would not guarantee that minorities would have any greater potential for influencing the outcome of an election. In fact, such an increase would likely result in retrogression in that it would eliminate the potential for having an effective swing-vote influence in the adjacent District 12.

HARRIS COUNTY MINORITY DISTRICTS

There were several regional outreach hearings held in the Harris County area. The community expressed their desire to have a new Hispanic district drawn in this area and also raised questions regarding the effect of the undercount. The proposed "safe" minority Districts 18 and 29, as well as the proposed minority impact District 25, are the result of input from the community and from the Harris County elected officials in the Texas Legislature. Throughout the process, modifications were made to increase the percentage of Hispanics in the newly proposed district. The primary spokespersons for the Hispanic community in Harris County were State Representatives Roman Martinez and Mario Gallegos, Houston City Councilman Ben Reyes, Ms. Judith Sanders-Castro of the Mexican-American Legal Defense Fund and Mr. Marc Campos of the Southwest Voter Registration Education Project. Although there was a great deal of controversy concerning the redistricting of the Harris County Senate and House seats, neither the Congressional Subcommittee or its staff was ever presented with any specific proposals or requests regarding the redistricting of Congressional seats. Most of the concerns had been addressed in drawing the House and Senate districts and the appropriate changes were incorporated into the proposed Congressional districts. The proposed configurations of the Harris County districts were reviewed and approved by the legislative representatives from that area.

District 29

This newly created Hispanic district consists of 10.2% total black population and 60.6% total Hispanic population. Several amendments were made during the legislative process to increase the total number of Hispanics to at least 60% of the district's total population. In drawing this district, the legislature considered requests that were made during the regional hearings and that were implemented in the proposed Senate and House districts.

The Hispanic community has not raised objection to the proposed configuration of this new district.

District 18

This district was originally designed to be a predominantly black district and has been represented by notable black leaders such as former Congresswoman Barbara Jordan, the late Congressman Mickey Leland, and current Congressman Craig Washington. The current District 18 is underpopulated by 116,549 people and is made up of 35.1% total black population and 42.2% total Hispanic population. In order to increase the total population to the ideal district size, additional black population was taken from adjacent districts thereby increasing the total black population to 50.9% and decreasing the total Hispanic population to 15.3%. The remaining Hispanic population is included in the new proposed Harris County Hispanic district. These changes result in the maximization of minority voting strength for this geographical area.

EL PASO COUNTY MINORITY DISTRICT

This proposed Congressional District is entirely within El Paso County. There was no opposition to the proposed configuration. The ethnic composition is as follows:

	Current		Proposed	
	Black	Hispanic	Black	Hispanic
District 16	3.6%	68.4%	3.6%	70.4%

SOUTH TEXAS AND BEXAR COUNTY MINORITY DISTRICTS

Due to the dramatic increase in Hispanic growth in this region of the State, it was clear that a new Hispanic seat should be drawn in the South Texas area. The affected districts include Districts 20 (Bexar County), 23, 15, 27 and the newly proposed Hispanic District 28. The drafting of these district lines was spearheaded by Sen-

ator Frank Tejeda, Vice-chair of the Senate Subcommittee on Congressional Districts. Senator Tejeda and his staff were in constant contact with the minority leadership in the South Texas (also known as the Valley) and Bexar County areas. In fact, the drafting of these districts was carefully monitored by representatives of the Mexican-American Legal Defense fund to assure that members of this Hispanic population were not unnecessarily packed in creating the new Hispanic district.

Due to the heavy concentration of Hispanics in these regions, there were no major problems concerning minority voting strength or adjustments of population numbers/percentages. Rather, the controversies were primarily focused on communities of interest disputes involving economic concerns. In fact, during one of the regional hearings in Brownsville, several witnesses testified that there were no racial issues to be considered in drawing districts in the Valley, since Hispanics make up the majority of the population there.

The ethnic composition of the South Texas and Bexar County Districts is as follows:

	Current		Proposed	
	Black	Hispanic	Black	Hispanic
District 20	8.2%	69.7%	5.8%	60.7%
23	5.2%	59.3%	2.9%	62.5%
15	0.5%	76.9%	1.1%	74.5%
27	2.4%	66.7%	2.4%	66.2%
28	—	—	8.5%	60.4%

Texas Senate Subcommittee on
Congressional Districts
Plan C657
8/24/91

POPULATION COMPOSITION OF PROPOSED CONGRESSIONAL DISTRICTS

Congressional District 1 *Jim Chapman (D)*
is composed of the following whole counties: Bowie (81,665), Camp (9,904), Cass (29,982), Delta (4,857), Franklin (7,802), Harrison (57,483), Hopkins (28,833), Lamar (43,949), Marion (9,984), Morris (13,200), Panola (22,035), Red River (14,317), Rusk (43,735), Titus (24,009), Upshur (31,370), Wood (29,380) and the following split counties: Gregg (34,337), Hunt (36,-069), Nacogdoches (43,306).

Congressional District 2 *Charles Wilson (D)*
is composed of the following whole counties: Angelina (69,884), Cherokee (41,049), Grimes (18,828), Hardin (41,320), Houston (21,375), Jasper (31,102), Liberty (52,726), Newton (13,569), Orange (80,509), Polk (30,-687), Sabine (9,586), San Augustine (7,999), San Jacinto (16,372), Shelby (22,034), Trinity (11,445), Tyler (16,646), Walker (50,917) and the following split counties: Montgomery (18,722), Nacogdoches (11,447).

Congressional District 3 *Sam Johnson (R)*
is composed of the following split counties: Collin (135,-633), Dallas (430,584).

Congressional District 4 *Ralph Hall (D)*
is composed of the following whole counties: Fannin (24,804), Grayson (95,021), Rains (6,715), Rockwall (25,604), Van Zandt (37,944) and the following split counties: Collin (47,376), Cooke (30,489), Dallas (8,-811), Denton (34,424), Gregg (70,611), Hunt (28,274), Kaufman (44,728), Smith (111,416).

Congressional District 5 *John Bryant (D)*
is composed of the following whole counties: Anderson (48,024), Freestone (15,818), Henderson (58,543), Leon (12,665), Limestone (20,946), Madison (10,931), Robertson (15,511), and the following split counties: Brazos (20,495), Dallas (315,899), Kaufman (7,492), Smith (39,893).

Congressional District 6 *Joe Barton (R)*
is composed of the following split counties: Dallas (13,-742), Ellis (27,954), Johnson (30,145), Parker (16,-436), Tarrant (477,940).

Congressional District 7 *Bill Archer (R)*
is composed of the following split county: Harris (566,-217).

Congressional District 8 *Jack Fields (R)*
is composed of the following whole county: Washington (26,154) and the following split counties: Austin (15,-616), Brazos (101,367), Harris (255,490), Montgomery (163,479), Waller (4,111).

Congressional District 9 *Jack Brooks (D)*
is composed of the following whole counties: Chambers (20,088), Galveston (217,399), Jefferson (239,397) and the following split counties: Harris (89,333).

Congressional District 10 *J. J. (Jake) Pickle (D)*
is composed of the following split county: Travis (566,-217).

Congressional District 11 *Chet Edwards (D)*
is composed of the following whole counties: Bell (191,-088), Bosque (15,125), Coryell (64,213), Falls (17,-712), Hamilton (7,733), Hill (27,146), Lampasas (13,-521), McLennan (189,123), Milam (22,946), Mills (4,531), San Saba (5,401) and the following split county: McCulloch (7,678).

Congressional Disrtict 12 *Pete Geren (D)*
is composed of the following split county: Johnson (67,020), Parker (48,349), Tarrant (450,848).

Congressional District 13 Bill Sarpalius (D)
is composed of the following whole counties: Archer (7,973), Armstrong (2,021), Baylor (4,385), Briscoe (1,971), Carson (6,576), Castro (9,070), Childress (5,953), Clay (10,024), Collingsworth (3,573), Cottle (2,247), Crosby (7,304), Dickens (2,571), Donley (3,696), Floyd (8,497), Foard (1,794), Garza (5,143), Gray (23,967), Hale (34,671), Hall (3,905), Hardeman (5,283), Hemphill (3,720), Hutchinson (25,689), King (354), Knox (4,837), Lamb (15,072), Lipscomb (3,143), Lynn (6,758), Montague (17,274), Motley (1,532), Potter (97,874), Roberts (1,025), Swisher (8,133), Wheeler (5,879), Wichita (122,378), Wilbarger (15,121) and the following split counties: Cooke (288), Denton (43,705), Lubbock (42,811).

Congressional District 14 Greg Laughlin (D)
is composed of the following whole counties: Aransas (17,892), Bastrop (38,263), Blanco (5,972), Burleson (13,625), Caldwell (26,392), Calhoun (19,053), Colorado (18,383), Fayette (20,095), Gonzales (17,205), Hays (65,614), Jackson (13,039), Lavaca (18,690), Lee (12,854), Maragorda (36,928), Refugio (7,976), Victoria (74,361), Wharton (39,955) and the following split counties: Austin (4,216), Brazoria (59,419), Travis (10,190), Waller (19,279), Williamson (26,816).

Congressional District 15 E. (Kika) De La Garza (D)
is composed of the following whole counties: Bee (25,135), Brooks (8,204), De Witt (18,840), Goliad (5,980), Hidalgo (383,545), Karnes (12,455), Live Oak (9,556), San Patricio (58,749) and the following split counties: Jim Wells (10,266), Kleberg (19,349), Willacy (14,138).

Congressional District 16 Ron Coleman (D)
is composed of the following split county: El Paso (566,217).

Congressional District 17 Charles Stenholm (D)
is composed of the following whole counties: Borden (799), Brown (34,371), Callahan (11,859), Coke (3,424), Coleman (9,710), Comanche (13,381), Concho (3,044), Dawson (14,349), Eastland (18,488), Erath (27,991), Fisher (4,842), Haskell (6,820), Hood (28,981), Howard (32,343), Jack (6,981), Jones (16,490), Kent (1,010), Martin (4,956), Mitchell (8,016), Nolan (16,594), Palo Pinto (25,055), Runnels (11,294), Scurry (18,634), Shackelford (3,316), Somervell (5,360), Stephens (9,010), Stonewall (2,013), Taylor (119,655), Throckmorton (1,880), Wise (34,679), Young (18,126) and the following split county: Tom Green (52,746).

Congressional District 18 Craig Washington (D)
is composed of the following split county: Harris (566,217).

Congressional District 19 Larry Combest (R)
is composed of the following whole counties: Andrews (14,338), Bailey (7,064), Cochran (4,377), Dallam (5,461), Deaf Smith (19,153), Gaines (14,123), Hansford (5,848), Hartley (3,634), Hockley (24,199), Moore (17,865), Ochiltree (9,128), Oldham (2,278), Parmer (9,863), Randall (89,673), Sherman (2,858), Terry (13,218), Yoakum (8,786) and the following split counties: Ector (84,590), Lubbock (179,825), Midland (49,936).

Congressional District 20 Henry B. Gonzales (D)
is composed of the following split county: Bexar (566,217).

Congressional District 21 Lamar Smith (R)
is composed of the following whole counties: Bandera (10,562), Burnet (22,677), Gillespie (17,204), Glasscock (1,447), Irion (1,629), Kendall (14,589), Kerr (36,304), Kimble (4,122), Llano (11,631), Mason (3,423), Menard (2,252), Real (2,412), Schleicher

(2,990), Sterling (1,438) and the following split counties: Bexar (165,040), Comal (38,679), Guadalupe (38,818), McCulloch (1,100), Midland (31,453), Tom Green (45,712), Williamson (112,735).

Congressional District 22 *Tom DeLay (R)*
is composed of the following split counties: Brazoria (132,288), Fort Bend (177,999), Harris (255,930).

Congressional District 23 *Albert Bustamante (D)*
is composed of the following whole counties: Brewster (8,681), Crane (4,652), Crockett (4,078), Culberson (3,407), Dimmit (10,433), Edwards (2,266), Hudspeth (2,915), Jeff Davis (1,946), Kinney (3,119), Loving (107), Maverick (36,378), Medina (27,312), Pecos (14,675), Presidio (6,637), Reagan (4,514), Reeves (15,852), Sutton (4,135), Terrell (1,410), Upton (4,447), Uvalde (23,340), Val Verde (38,721), Ward (13,115), Webb (133,239), Winkler (8,626), Zavala (12,162) and the following split counties: Bexar (95,091), Ector (34,344), El Paso (25,393), Midland (25,222).

Congressional District 24 *Martin Frost (D)*
is composed of the following whole counties: Navarro (39,926) and the following split counties: Dallas (233,888), Ellis (57,213), Tarrant (235,190).

Congressional District 25 *Mike Andrews (D)*
is composed of the following split counties: Fort Bend (47,422), Harris (518,795).

Congressional District 26 *Richard Armey (R)*
is composed of the following split counties: Collin (73,977), Dallas (292,668), Denton (195,396), Tarrant (4,176).

Congressional District 27 *Solomon Ortiz (D)*
is composed of the following whole counties: Cameron (260,120), Kenedy (460), Nueces (291,145) and the following split counties: Kleberg (10,925) and Willacy (3,567).

Congressional District 28 (NEW DISTRICT)
is composed of the following whole counties: Atascosa (30,533), Duval (12,918), Frio (13,472), Jim Hogg (5,109), La Salle (5,254), McMullen (817), Starr (40,518), Wilson (22,650), Zapata (9,279) and the following split counties: Bexar (359,046), Comal (13,153), Guadalupe (26,055), Jim Wells (27,413).

Congressional District 29 (NEW DISTRICT)
is composed of the following split county: Harris (566,217).

Congressional District 30 (NEW DISTRICT)
is composed of the following split county: Collin (7,050), Dallas (557,218), Tarrant (1,949).

APPENDIX C

PLAINTIFFS' EXHIBIT 14K

TABLE 7

AFRICAN-AMERICAN SUCCESS IN TEXAS LEGISLATIVE DISTRICTS BY PERCENT BLACK, 1983-1992

Year	50% +	45-49.9	40-44.9	35-39.9	30-34.9
1983	100% (10)	50% (2)	—	50% (4)	50% (2)
1985	100 (10)	50 (2)	—	50 (4)	50 (2)
1987	100 (9)	100 (3)	—	50 (4)	50 (2)
1989	100 (9)	100 (2)	100 (1)	75 (4)	50 (2)
1991	100 (10)	100 (1)	100 (2)	67 (3)	50 (2)
1983-91	100 (48)	80 (10)	100 (3)	58 (19)	50 (10)

APPENDIX D

(Plaintiffs' Exhibit 8B)

Excerpt from Testimony of Eddie Bernice Johnson from *Terrazas v. Slagle*, heard in the United States District Court for the Southern District of Texas

Dated December 12, 1991

* * * *

[230]

DIRECT EXAMINATION

BY MR. RICHARDS:

Q Could you give us your full name, please?

A My name is Eddie Bernice Johnson—Johnson.

Q And where do you live, Mrs. Johnson?

A I live in Dallas, Texas.

Q And you are a member of the Texas Senate; is that correct?

A I am a member of the Texas Senate.

Q When were you first elected to the Texas Legislature?

A In 1972, I was elected to the House.

Q And that was from the first single member districts that were created in Dallas County in 1972?

A That is correct.

Q And as we talked at lunch, the districts, I guess, were actually drawn by Dan Weiser; is that correct?

A That's correct.

Q You were elected to the Texas Senate in 1986; is that correct?

A Yes.

* * * *

[253] Q You said over and over, "If you can draw a minority district, you must draw a minority district." Did I understand you to say that during the course of these deliberations?

A Yes, sir.

Q So, this then would be an outgrowth of that policy; is that correct?

A Yes, sir.

Q Now, I won't describe it as bacteria but you would say then that this executes that legitimate State interest. Is that correct?

A It—it executes the interest of those voters. See, in my judgment, the Voters Rights Act protects voters—not land, not boundaries—other than the State line. It's not a residential requirement. It clearly states that it protects an individual voter.

Q Right.

A And gerrymandering is permitted, as long as it's to enhance the enfranchisement of the minority voters. And in Texas, it covers both Hispanics and Blacks.

[254] Q So, gerrymandering to draw a minority district is a legitimate State interest; is that correct?

A Yes, sir.

Q And you would say then that this carries out that legitimate State interest; is that correct?

A Yes, sir.

Q Was this—does the same principle apply to the drawing of Senate district lines? If you can draw a minority district, you must? I mean, it's not a tricky question. I'm not trying to fool you.

A Well, yes. That's my interpretation of the Voters Rights Act.

Q So, you would say that the same legitimate State interest applies to the drawing of Senate districts, as it does to the drawing of Congressional districts?

A Yes, sir, except that there are a few rules of Law that are different because of it—the State laws govern the Senate seat, and the U. S. Constitution Voters Rights Act governs the Congressional one.

* * * *

APPENDIX E

Excerpt from Deposition of Kenneth Powers from *Vera v. Richards*, heard in the United States District Court for the Southern District of Texas

Dated April 26, 1994

* * * *

[43] Q. Is this the first time you've ever been involved in a redistricting kind of lawsuit?

A. Yes.

Q. What is it, in particular, peaked your interest at this point, rather than sometime in the past?

A. I don't know. As I've said, I've gained a—more of a political awareness. I knew when we were working on—in the congressional campaign and through my volunteer work that something was wrong because when we'd—people would call and ask for their voting locations, and you'd have to get down to the specific address of the person. You couldn't know, you know, what part of town they lived in or—"Well, if you are south of this point and west of this point, then you are in this district."

[44] We had to go specifically house by house; and, in some cases, the locations are done on an even and odd basis, you know, to me which is telling me one side of the street or the other. Just from that experience, I thought, "This isn't right." These are neighbors that are being—you know, I felt that neighbors ought to be in the same congressional district, so I think when I started hearing people being shifted to new voting locations and having new representatives and a lot of times they were very frustrated. Sometimes they were outraged. And, at that point, that's when—that's, I guess, when my interest was peaked.

Q. Outraged at being put into a different district than the one they had been in, say, for the last ten years or so?

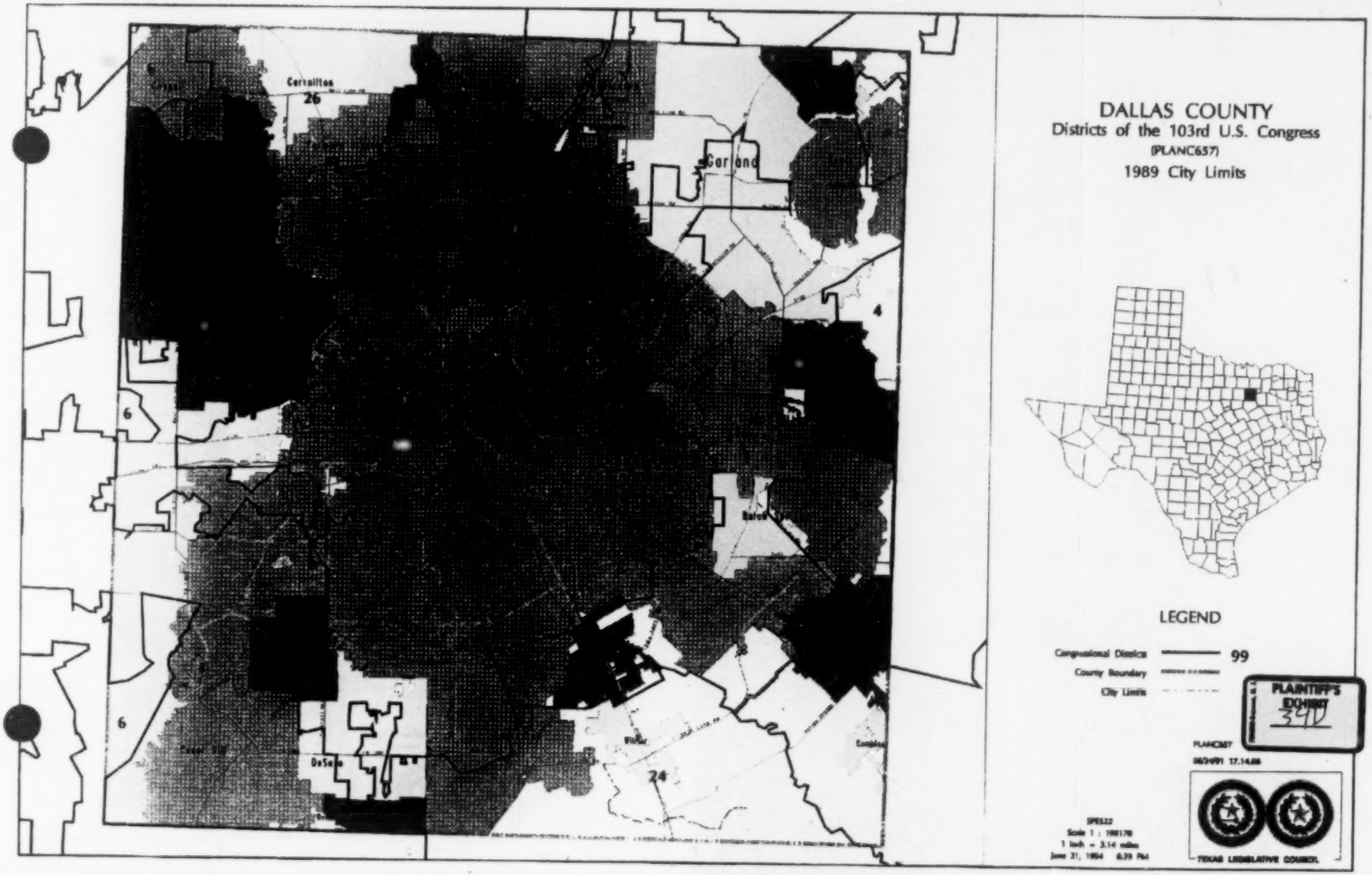
A. Yes. 10, 20, 30 years, yes.

Q. But you understand that that happens every redistricting, don't you? That somebody—some people end up in districts that they weren't in before?

A. Right. But I don't—to my knowledge, in the past, you wouldn't have your next-door neighbor voting in the same place you had voted in for the last 30 years while you have to go, you know, down the street to another polling location. That is what people were outraged at.

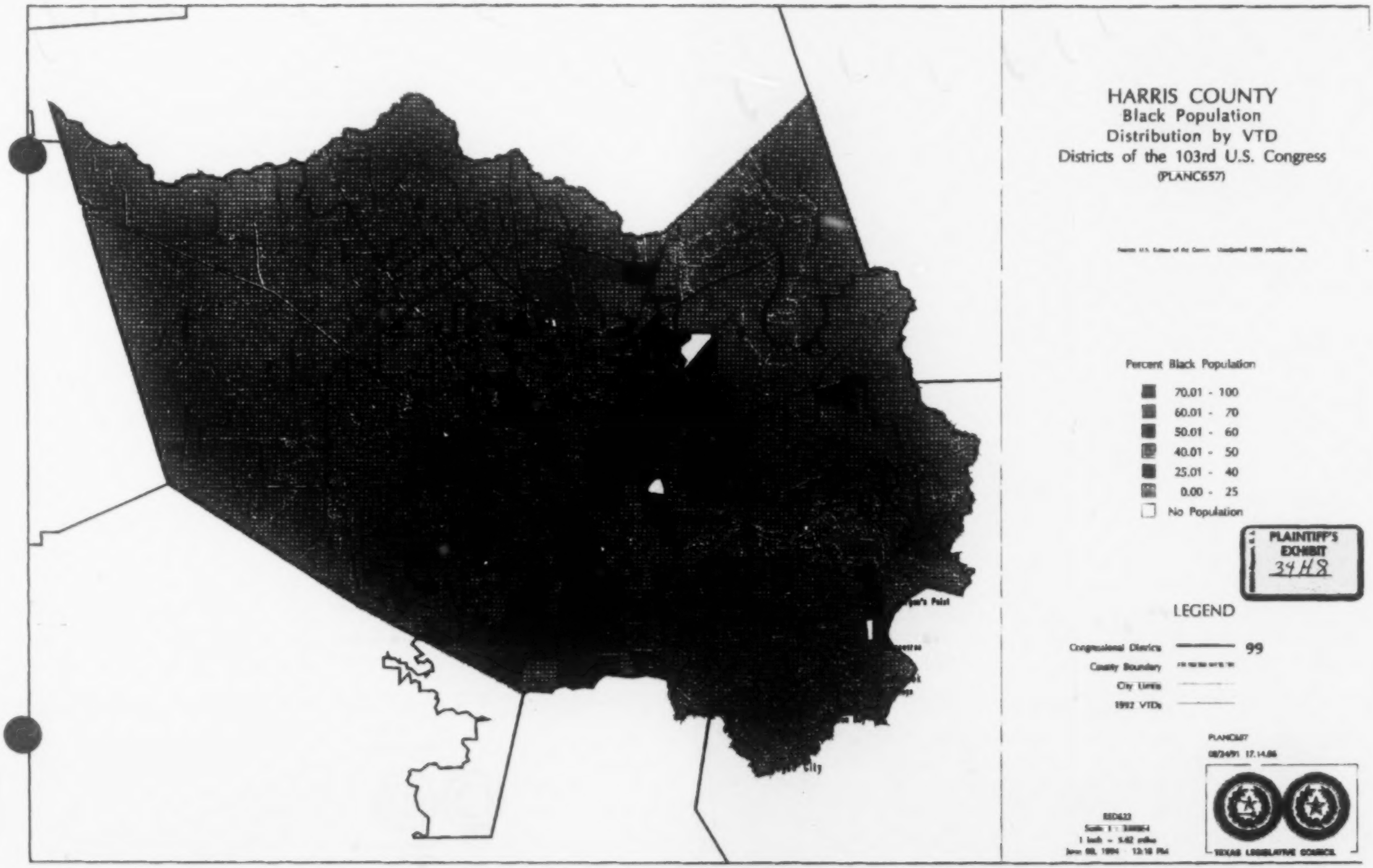
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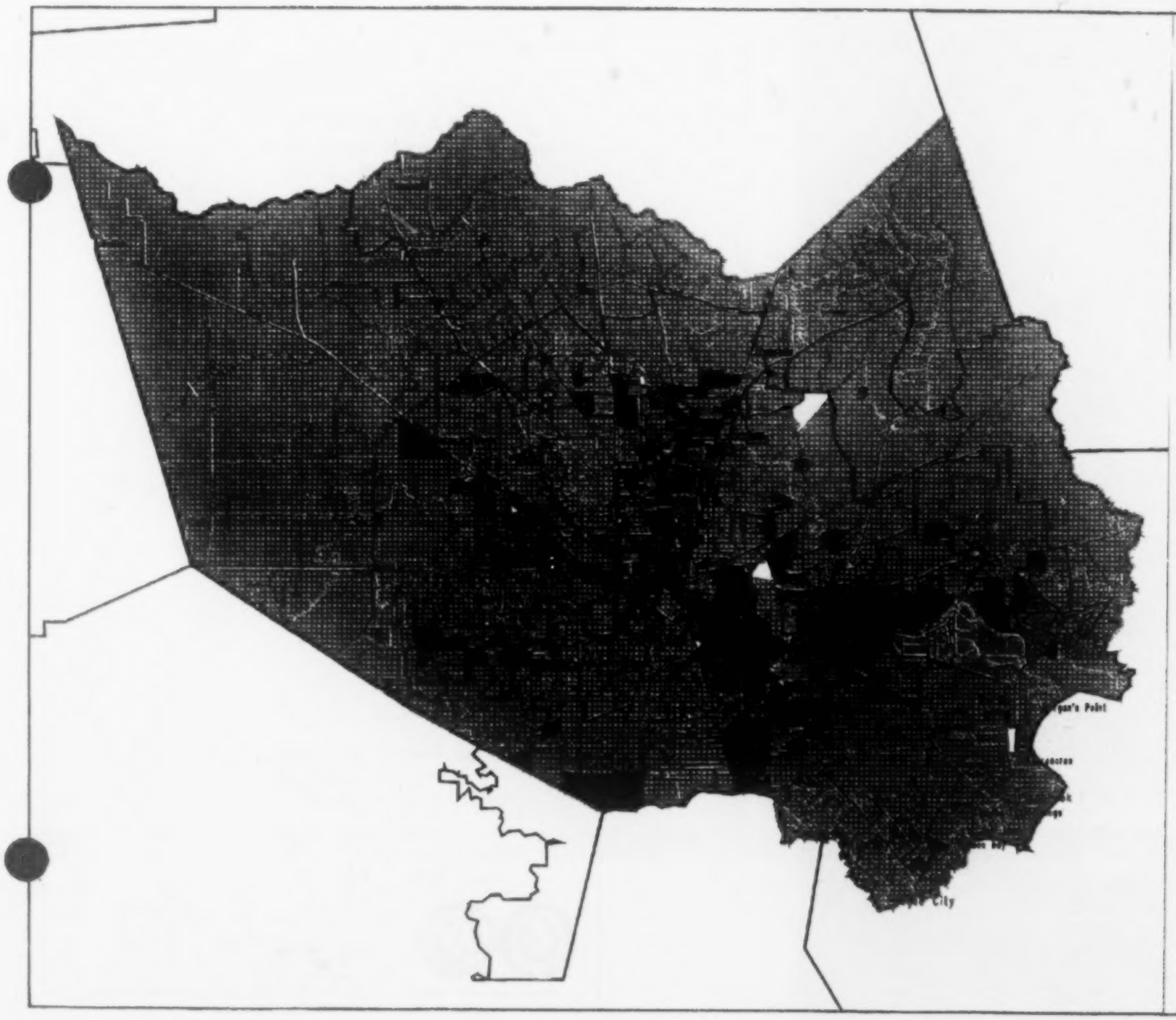
ATTACHMENT 1



ATTACHMENT 2




HARRIS COUNTY
Black Population
Distribution by VTD
Districts of the 103rd U.S. Congress
(PLANC657)
Percent Black Population
70.01 - 100
60.01 - 70
50.01 - 60
40.01 - 50
25.01 - 40
0.00 - 25
No Population
PLAINTIFF'S EXHIBIT 34H8
LEGEND
Congressional Districts 99
County Boundary
City Limits
1992 VTDs
PLANC657
08/24/91 17:14:06
TEXAS LEGISLATIVE COUNCIL



HARRIS COUNTY
Hispanic Population
Distribution by VTD
Districts of the 103rd U.S. Congress
(PLANC657)

Percent Hispanic Population

- 70.01 - 100
- 60.01 - 70
- 50.01 - 60
- 40.01 - 50
- 25.01 - 40
- 0.00 - 25
- No Population

PLAINTIFF'S EXHIBIT 349

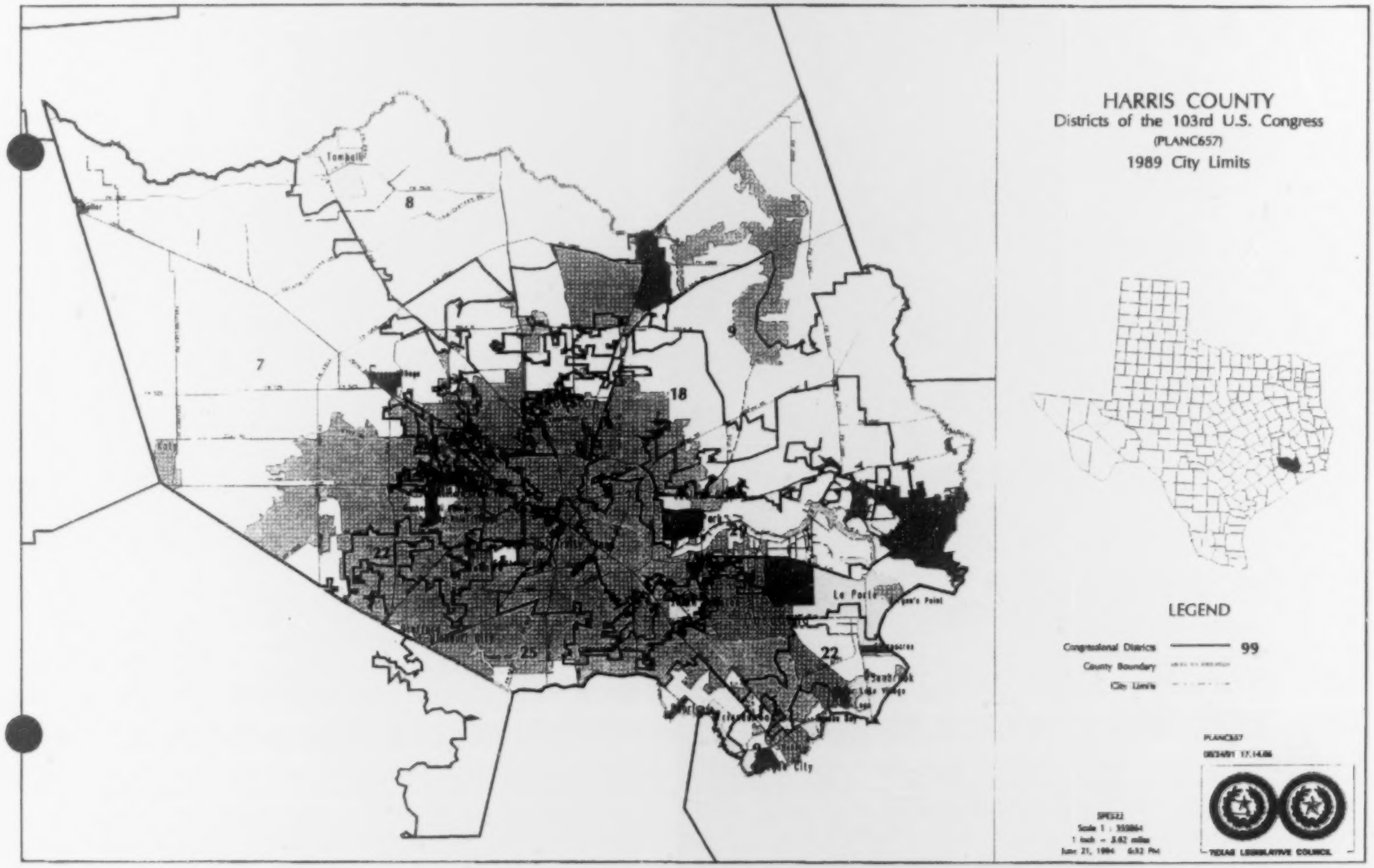
LEGEND

- Congressional District — 99
- County Boundary
- City Limits
- 1993 VTDs

PLANC657
08/24/93 17:14:06

RED422
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1 inch = 5.62 miles
June 08, 1994 3:48 PM

TEXAS LEGISLATIVE COUNCIL


HARRIS COUNTY
Districts of the 103rd U.S. Congress
(PLANC657)
1989 City Limits
LEGEND
Congressional District
99
County Boundary
City Limits
PLANC657
SPE522
Scale 1 : 350864
1 inch = 5.62 miles
June 21, 1994 6:52 PM
TEXAS LEGISLATIVE COUNCIL
Tomball
Katy
La Porte
Pasadena
Deer Park
Baytown
Pearland
Friendswood
Webster
Seabrook
Kemah
Clear Lake City
Nassau Bay
League City
8
7
18
9
22
29
25
22